# UNITED STATES PATENT AND TRADEMARK OFFICE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

**Office Action Summary**

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _01 April 2008_.

2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _6-26_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _6-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

## DETAILED ACTION

This Office Action is in response to the communication filed on 04/01/2008.

Claims 1-5 have been cancelled.

Claims 6 and 19 have been amended.

Claims 20-26 have been added.

Claims 6-26 have been examined and are pending.

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 04/01/2008 has been entered.

### *Response to Amendment*

The amendment filed 04/01/2008 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall

introduce new matter into the disclosure of the invention. The newly added limitations which are

not supported by the original disclosure are listed as the following:

**Claim 20** recites "The terminal device according to Claim 6, wherein the **restricted**

**code is updatable,**" (emphasis added). The limitation "restricted code is updatable" is not

addressed in the specification.

**Claim 21** recites "The terminal device according to Claim 20, wherein the updated restricted code **adds or removes at least one instruction code from the restricted code**," (emphasis added). The limitation "adds or removes at least one instruction code from the restricted code," is not addressed in the specification.

**Claim 22** recites "The terminal device according to Claim 21, wherein the determination unit is further configured to determine, after the restricted code has been updated, whether **the target code is included in the updated restriction code**," (emphasis added). The limitation "the target code is included in the updated restriction code" is not addressed in the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

The applicant's amendment filed 04/01/2008 necessitated the new ground(s) of rejection presented in this Office action. Therefore, applicant's arguments with respect to claims 6-26 have been considered but are moot in view of the new ground(s) of rejection.

## *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 20-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 20 recites "The terminal device according to Claim 6, wherein the **restricted code is updatable,**" (emphasis added). The limitation "restricted code is updatable" is not addressed in the specification.

Claim 21 recites "The terminal device according to Claim 20, wherein the updated restricted code **adds or removes at least one instruction code from the restricted code,**" (emphasis added). The limitation "adds or removes at least one instruction code from the restricted code," is not addressed in the specification.

Claim 22 recites "The terminal device according to Claim 21, wherein the determination unit is further configured to determine, after the restricted code has been updated, whether **the target code is included in the updated restriction code,**" (emphasis added). The limitation "the target code is included in the updated restriction code" is not addressed in the specification.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 6-15 and 19-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Scott et al.** (US 6,615,329 B2) and in view of **Touboul** (US 6,092,194).

<u>**As per claim 6:**</u>

Scott teaches a terminal device comprising:

(a) an execution unit configured to execute an instruction code in accordance with an application program **[Col. 5, lines 35-40, system processor]**;

(b) a first memory **[Col. 3, lines 12-29; protected Memory area; fig. 4; Memory 460; Col 7, lines 47-65]** configured to store data and a protection flag **[Col. 3, lines 12-29; "If the flag has been set, the attempted write operation is enabled"]**, the protection flag indicative of whether the corresponding data requires security protection, wherein the stored data requires security protection and wherein the protection flag indicates that the stored data requires security protection **[Col. 3, lines 12-29; the processor module checks the state of the authorization flag and enables the write operation to the protected area only if the authorization flag has not been set]**;

(c) a second memory **[Col. 4, lines 59-63; "another memory area, such as a Dynamic Random Access Memory (DRAM)"]**.

(d) a determination unit configured to determine, when the application program is executed, whether a target code is included in the restriction code, the target code being an

instruction code in the application program to be executed by the execution unit **[Col. 3,
lines 13-29; "determine whether a write authorization flags has been set by software
located in the protected area"]**; and

(e) a prevention unit configured to prevent the execution unit from executing the
target code if the determination unit determines that the target code is included in the
restriction code in order to prevent the target code from accessing at least a part of the data
whose protection flag is indicative of receiving security protection **[Col. 3, lines 35-37; "In
addition, writes to the protected area are only allowed when authorized by the
operation of instructions located in the protected area itself"]**.

Scott does not explicitly disclose the second memory configured to store restriction
information for specifying a restricted code, the restricted code being an instruction code
whose execution is restricted, the restricted code being one of instruction codes that can be
executed by the execution unit, the restricted code including an instruction code causing the
execution unit to access target data stored in the first memory with a protection flag
indicative of requiring security protection.

However, in an analogous art, Touboul teaches a system and method for protecting a
computer and network from hostile downloadables, wherein a second memory configured to
store restriction information for specifying a restricted code, the restricted code being an
instruction code whose execution is restricted, the restricted code being one of instruction
codes that can be executed by the execution unit, the restricted code including an instruction
code causing the execution unit to access target data stored in the first memory with a

protection flag indicative of requiring security protection **[fig. 2,  Data Storage 230; fig. 3 which is an extension of fig. 2; Data Storage Device 230 includes Security database 240; Col. 3 lines 42-66 and Col. 4, lines 1-12].**

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the terminal of Scott by including the teaching of Touboul, wherein a second memory configured to store restriction information for specifying a restricted code, the restricted code being an instruction code whose execution is restricted, the restricted code being one of instruction codes that can be executed by the execution unit, the restricted code including an instruction code causing the execution unit to access target data stored in the first memory with a protection flag indicative of requiring security protection to provide users with a means for examining the downloadable code, by verifying security information stored in the additional storage device, to determine whether the code contains any suspicious operations, and thus may allow or block the downloadable accordingly **[Touboul, Col. 2, lines 32-37].**

**<u>As per claim 7:</u>**

Scott and Touboul teach the subject matter as described in claim 6.

Scott further teaches the terminal device according to Claim 6, wherein

(a) the application program includes an identifier indicative of whether a provider of the application program is trusted **[Col. 3, lines 12-29; "Checking the state of authorization flag and enables the write operation to the protected area only if the authorization flag has been set"].**

Touboul further teaches:

(b) the determination unit is configured to determine whether the target code is

included in the restriction code when the identifier included in the application program is

indicative that the provider of the application program is not trusted **[fig. 2, Data Storage**

**Device 230; fig. 3 is an extension of fig. 2, Security Database 240 with Data Storage**

**Device 230; Further explanation is found in Col. 3 lines 42-66 an Col. 4 lines 1-12. These**

**disclose a second storage device that determines if the Downloadable is suspicious].**


**As per claim 8:**

Touboul further teaches the terminal device according to Claim 6, further comprising a

transmitter for transmitting at least part of the data stored in the first memory **[fig. 2 shows**

**various communication transmitters],**

wherein the restricted code includes an instruction code causing the transmitter to

transmit at least some of the data in the first memory **[fig. 2;  RAM 235,  Data Storage 230 ;**

**fig. 3 is an extension of fig. 2, Security database 240 within Data Storage Device 230;**

**Col. 3 lines 42-66 and Col. 4, lines 1-12. These disclose a second storage device that a**

**restriction database].**


**As per claim 9:**

Touboul further teaches the terminal device according to Claim 8, wherein the determination

unit determines whether the application program causes the transmitter to transmit the at

least some of the data to a content provider that provided the application program **[fig. 2,**

**Data Storage Device 230; fig. 3 is an extension of fig. 2; Data Storage Device 230**

**includes Security database 240; Further explanation is found in Col. 3 lines 42-66 an**

**Col. 4 lines 1-12. These disclose a second storage device that determines if the**

**Downloadable is suspicious].**

**As per claim 10:**

Touboul further teaches the terminal device according to Claim 6, further comprising a

communication unit configured to communicate via a communications network,

wherein the determination unit is configured to determine whether the target code is

included in the restriction code when the application program subject to execution is

acquired via the communications network **[fig. 2, Data Storage Device 230; fig. 3 is an**

**extension of fig. 2; Data Storage Device 230 includes Security database 240; Further**

**explanation is found in Col. 3 lines 42-66 an Col. 4 lines 1-12. These disclose a second**

**storage device that determines if the Downloadable is suspicious].**

**As per claim 11:**

Scott and Touboul teach the terminal device according to Claim 6.

Scott further teaches:

(a) a display device configured to display an image **[Col. 1, lines 29-31; "the computer streaming the stored video content is called the server, while the device that receives and displays the streamed video data is called the client."].**

(b) wherein instruction codes other than the restricted code include an instruction code to cause the display device to display information on the basis of the data stored in the first memory with a protection flag indicative of requiring security protection **[Col. 3, lines 12-29; the processor module checks the state of the authorization flag and enables the write operation to the protected area only if the authorization flag has not been set].**

## As per claim 12:

Touboul further teaches the terminal device according to Claim 6, wherein the execution unit is configured to execute an exception process when the prevention unit prevents the execution unit to execute the target code **[Col. 3, lines 9-22, discloses preventing suspicious Downloables from being executed"].**

## As per claim 13:

Touboul further teaches the terminal device according to Claim 12, wherein the exception process comprises notifying a user of the terminal device that the target code is attempting to execute a restricted operation **[fig. 5 user notification engine 515].**

## As per claim 14:

Touboul further teaches the terminal device according to Claim 12, wherein the exception

process is executed prior to execution of the application program **[fig. 2, Data Storage**

**Device 230; fig. 3 which is an extension of fig. 2; Data Storage Device 230 includes**

**Security database 240; Further explanation is found in Col. 3 lines 42-66 an Col. 4 lines**

**1-12. These disclose a second storage device that determines if the Downloadable is**

**suspicious].**

## As per claim 15:

Touboul further teaches the terminal device according to Claim 12, wherein the exception

process is executed after execution of the application program **[fig. 2, Data Storage Device**

**230; fig. 3 which is an extension of fig. 2; Data Storage Device 230 includes Security**

**database 240; Further explanation is found in Col. 3 lines 42-66 an Col. 4 lines 1-12.**

**These disclose a second storage device that determines if the Downloadable is**

**suspicious].**

## As per claim 19:

This claim has limitations that are similar to those of claim 6, thus it is rejected with the same

rationale applied against claim 6 above.

## As per claim 20:

Touboul further teaches the terminal device according to Claim 6, wherein the restricted code is updatable **[fig. 3, Security Policies 305; Known Certificates 309; Col. 4, lines 1-15; fig. 4, Security Policies 305].**

**As per claim 21:**

Touboul further teaches the terminal device according to Claim 20, wherein the updated restricted code adds or removes at least one instruction code from the restricted code **[fig. 3, Security Policies 305; Known Certificates 309; Col. 4, lines 1-15; fig. 4, Security Policies 305].**

**As per claim 22:**

Touboul further teaches the terminal device according to Claim 21, wherein the determination unit is further configured to determine, after the restricted code has been updated, whether the target code is included in the updated restriction code **[fig. 3, Security Policies 305; Known Certificates 309; Col. 4, lines 1-15; fig. 4, Security Policies 305].**

**As per claim 23:**

Scott further teaches the terminal device according to Claim 6, wherein triggering of execution of the application program is dependant on an event other than downloading of the application program **[Col. 3, lines 12-29].**

**As per claim 24:**

This claim has limitations that are similar to those of claim 20, thus it is rejected with the same

rationale applied against claim 20 above.


**As per claim 25:**

This claim has limitations that are similar to those of claim 21, thus it is rejected with the same

rationale applied against claim 21 above.


**As per claim 26:**

This claim has limitations that are similar to those of claim 22, thus it is rejected with the same

rationale applied against claim 22 above.


**Claims 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Scott et al.** (US

6,615,329 B2) in view of **Touboul** (US 6,092,194) and further in view of **Ginter** et al. (US

7,124,302).


**As per claim 16:**

Scott and Touboul teach the terminal device according to claim 6.

　　　Scott and Touboul do not explicitly teach wherein the data that requires security

protection comprises telephone numbers stored in the first memory.

However, Ginter teaches wherein the data that requires security protection comprises telephone numbers stored in the first memory **[Col. 58, lines 28-49; Electronic telephone directory]**.

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the system of Scott and Touboul with the teaching of Ginter to provide users with a means for protecting rights of various participants in electronic commerce and other electronic or electronically-facilitated transactions **[Ginter, Col. 1, lines 30-33]**.


## As per claim 17:

Scott and Touboul teach the terminal device according to claim 6.

Scott and Touboul do not explicitly teach wherein the data that requires security protection comprises a call history table stored in the first memory.

However, Ginter teaches wherein the data that requires security protection comprises a call history table stored in the first memory **[Col. 58, lines 28-49; Electronic telephone directory]**.

Thus, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the system of Scott and Touboul with the teaching of Ginter to provide users with a means for protecting rights of various participants in electronic commerce and other electronic or electronically-facilitated transactions **[Ginter, Col. 1, lines 30-33]**.


## As per claim 18:

Scott and Touboul teach the terminal device according to claim 6.

Scott and Touboul do not explicitly teach wherein the terminal device the terminal

device comprises a mobile terminal.

Ginter teaches wherein the terminal device the terminal device comprises a mobile

terminal **[Col. 252; lines 22-55; under the heading Portable Electronic Appliance].**

Thus, it would have been obvious to the person of ordinary skill in the art at the time the

invention was made to modify the system of Scott and Touboul with the teaching of Ginter in

order to provide a valuable and relatively simple means for a user to move permissions amongst

various electronic appliances, such as between a notebook computer, a desktop computer and an

office computer **[Ginter, Col. 254, lines 37-47].**

### *Conclusion*

The prior arts made of record and not relied upon are considered pertinent to applicant's

disclosure.

US 20040068631 A1 to Ukeda, Masaharu et al.;

US 20030204693 A1 to Moran, Douglas R. et al.;

US 6301673 B1 to Foster; Mark J. et al.;

US 20070124409 A1 to Sibert; W. Olin;

US 20010056518 A1 to Maeda, Mayumi

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Canh Le whose telephone number is 571-270-1380. The

examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kincaid Kristine can be reached on 571-272-4063.  The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.  Status information for published applications

may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished

applications is available through Private PAIR only.  For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Canh  Le/

Examiner, Art Unit 2139

June 11, 2008

/Kristine Kincaid/
Supervisory Patent Examiner, Art Unit 2139